

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SERGEANT KATHLEEN RIDDELL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 04-1201-MPT
)	
THOMAS P. GORDON, individually and in)	
his official capacity; SHERRY FREEBERY,)	
individually and in her official capacity;)	
COLONEL JOHN L. CUNNINGHAM,)	
RETIRED, individually; COLONEL DAVID)	
F. MCALLISTER, individually and in his)	
official capacity; and NEW CASTLE)	
COUNTY, a municipal corporation)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

Defendants, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the doctrine of qualified immunity, move to dismiss Plaintiff's Amended Complaint in its entirety. The reasons for this request are set forth more fully in Defendants' Opening Brief in Support of Their Motion to Dismiss, filed contemporaneously with this Motion.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ William W. Bowser

William W. Bowser, Esquire (No. 2239)

Margaret M. DiBianca, Esquire (No. 4539)

The Brandywine Building

1000 West Street, 17th Floor

P.O. Box 391

Wilmington, Delaware 19899-0391

Telephone: (302) 571-6601

Facsimile: (302) 576-3282

E-mail: wbowser@ycst.com

Attorneys for Defendants New Castle County, Sherry Freebery, Thomas P. Gordon, and Colonel David F. McAllister, each in their official capacities

CHARLES E. BUTLER, ESQUIRE

/s/ Charles E. Butler

Charles E. Butler, Esquire (Bar I.D. 2349)

1224 North King Street

Wilmington, Delaware 19801

Telephone: (302) 655-4100

Facsimile: (302) 655-4212

E-mail: ceb@cebutler.com

Attorneys for Defendants Sherry Freebery, Thomas P. Gordon, and Colonel David F. McAllister, each in their individual capacity

and

OBERLY JENNINGS & RHODUNDA, P.A.

/s/ Kathleen M. Jennings

Kathleen M. Jennings, Esquire (Bar I.D. 913)

1220 North Market Street, Suite 710

P.O. Box 2054

Wilmington, Delaware 19899-2054

Telephone: (302) 576-2000

Facsimile: (302) 576-2004

E-mail: kjennings@ojlaw.com

Attorneys for Defendant Colonel John Cunningham

Dated: January 7, 2008